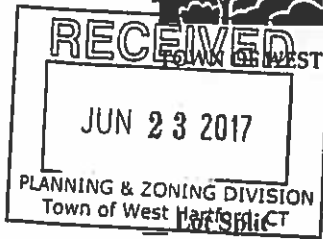


August 7, 2017 Item #10



DEPARTMENT OF COMMUNITY
DEVELOPMENT
PLANNING DIVISION
TOWN OF WEST HARTFORD
50 SOUTH MAIN STREET
WEST HARTFORD, CT 06107-2431
TEL: 860.561.7555 FAX: 860.561.7504
www.westhartfordct.gov

PERMIT APPLICATION FOR: (check one of the following)

☒ Special Use Permit ☐ Site Plan
☐ Lot Line Revisions ☐ Subdivision ☐ Building Line

File #: 1254-LB-17

Date Received: 6.23.17

Street Address of Proposed Application: 751 Sham Road

Zone: _____ Acreage/Lot Area: _____ Parcel/Lot#: _____

Application Fee: \$350 Surcharge Fee: \$60 Affidavit Fee: \$20

Applicant's Interest in Property: _____

Lessee

Brief Description of Proposed Activity: _____

Renewal Application (SUP # 1254)

The undersigned warrants the truth of all statements contained herein and in all supporting documents to the best of his/her knowledge and belief. Furthermore, the applicant agrees that submission of this document constitutes permission and consent to Commission and Staff inspections of the site. Note: Notice is hereby given the Connecticut Department of Public Health must be notified by applicants for any project located within a public water supply aquifer protection area or watershed area. (CTDPH website at <http://www.dph.state.ct.us>)

SOF-IX Blueback Square Holdings, LP
Record Owner's Name

591 W. Putnam Avenue
Street

Greenwich CT 06830
City State Zip

Telephone # _____

Contact Person:

Gregory W. Piecuch, Esq., its attorney
Name
Kroll, McNamara, Evans & Delehanty LLP
65 Memorial Road, Suite 300
Street

West Hartford CT 06107
City State Zip

860-561-7070
Telephone #

gpiecuch@kmelaw.com
Email Address

WOB West Hartford, LLC

Applicant's Name

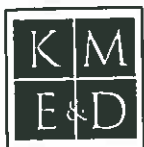
505 South Flagler Drive
Street

West Palm Beach FL 33410
City State Zip

Telephone # _____

Applicant's Signature

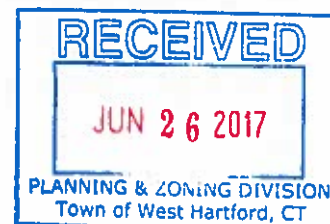
Signature of Owner/Authorized Agent



KROLL MCNAMARA EVANS & DELEHANTY LLP
ATTORNEYS AT LAW

June 23, 2017

Town Plan & Zoning Commission
Town of West Hartford
50 South Main Street
West Hartford, Connecticut, 06107



**Re: Application of West Hartford WOB, LLC
Special Use Permit for Outdoor Dining at Premises located at
73 Isham Road (Blue Back Square Space B-30)**

RENEWAL TO PERMIT ISSUED JULY 6, 2016 (SUP #1254-R2-16)

Dear Honorable Members of the Town Plan & Zoning Commission:

This office serves as land use counsel to West Hartford WOB, LLC ("WOB" or the "Applicant"), as the lessee of certain commercial property commonly known as 73 Isham Road, also known as Blue Back Square Space B-30 (the "Premises"). At its meeting of July 6, 2017, the Commission approved an amendment a Special Use Permit to WOB (SUP # 1254) to increase the outdoor dining seating capacity at the Premises from twelve (12) to twenty-two (22) seats (the "Amendment") pursuant to § 177-37.2 of the West Hartford Code of Ordinances (the "Code"). A copy of the Approval Letter for the Amendment is attached hereto as Exhibit A. A copy of the Special Use Permit pertaining to the Amendment as recorded in the West Hartford Land Records is attached hereto as Exhibit B.

The Amendment to the Special Use Permit was approved conditioned upon the Applicant returning to the Commission by July of 2017 for further review and evaluation pursuant accordance with § 177-48A(8) of the Code. Therefore, please accept this Application on behalf of WOB for the re-issuance of the Special Use Permit, as amended in 2016. The Applicant does not propose an increase in the number of seats in the outdoor dining area, nor any modifications to its operations. Accordingly, the 22-seat plan attached hereto as Exhibit C is identical to that previously approved by the Commission. Moreover, the operational narrative that follows hereafter is indistinguishable to that previously submitted and approved as part of the Amendment application, with the one exception: the Applicant has added the condition of approval added by the Commission in 2016. See, ¶ B.10 below.

Analysis of Code § 177-37.2 Requirements

A. Space Definition/Location

1. A powder coated aluminum railing 42" high with an open railing separates the outdoor dining area from the public way. This design maintains the open appearance of the dining area. Each railing post is securely anchored into the sidewalk pavers with a flat, "flush-as-possible" mounting system which also allows for removal and storage during the off-season.

Special Use Permit Application (Renewal of SUP #1254-R2-16, as amended)
West Harford WOB, LLC
Premises at 73 Isham Road
June 23, 2017

2. The Applicant would like to maintain overhead protection for its patrons in the outdoor dining area. A retractable cantilevered awning structure has been installed which extends four feet (4'-0") from the façade in order to shelter the outdoor dining area. The plans show this awning placed fourteen feet (14'-0") above the ground.
3. No fire hydrants or hose couplings are obstructed by the outdoor dining plan, nor are any underground utility cabinets or vaults be impacted.
4. The outdoor dining area has been designed to meet the state liquor control standards. Applicant intends to continue to serve alcoholic beverages in this area, and the design has been submitted to the requisite state liquor control authorities. No alcoholic beverages will be served in the proposed outdoor dining area unless all needed permits are maintained from the State.
5. The proposed outdoor dining area is adjacent to and will be maintained flush with the existing public walkway. Minimum walkway clearance will be four feet, six inches (4'-6").

B. Operations

1. Handicap-accessible dining is provided, compliant with State of Connecticut code, in the proposed outdoor dining area. Diners may enter through the main entrance and request an outdoor patio table from a member of the WOB staff. Patrons are then escorted through one of the two adjacent openings into the outdoor dining area; *i.e.*, the traditional hinged door or the open overhead door. In addition, there will also be a swinging gate that serves as a patio exit that may provide access for patrons with disabilities, if needed, for ease of entry. The outdoor tables will be 34" high in order to accommodate a wheelchair as per the most recent ADA standards.
2. The kitchen facility has been designed to serve the entire restaurant, including the outdoor dining area. The kitchen area will be entirely enclosed, and the doors between the kitchen area and the dining areas will be self-closing. Staff will bring refuse and all other ancillary items directly into the kitchen; there will be no waste receptacles outside.
3. Applicant's plans were submitted to the West Hartford-Bloomfield Health District for review and comment prior to the 2014 public hearing. The plans have been designed such that:
 - a. the kitchen facilities are adequate to service the entire restaurant, including the outdoor dining area; and moreover, that there will be no outdoor cooking;
 - b. outdoor storage areas will not be needed for plates, utensils, supplies, etc.; and
 - c. refuse and all other ancillary items will be taken directly into the kitchen thus negating the need for outdoor refuse receptacles.

Special Use Permit Application (Renewal of SUP #1254-R2-16, as amended)
West Harford WOB, LLC
Premises at 73 Isham Road
June 23, 2017

4. Applicant proposes to retain the propane heating units for the outdoor dining area, and hereby requests permission from the Commission for the continued use of the same. A manufacturer's specification sheet for the heaters was filed in 2014. The location of the heaters as shown on the Outdoor Dining Plan is twelve feet (12'-0") above the ground.
5. Applicant does not propose an outdoor public address/speaker system. Applicant is aware that there is a noise ordinance set forth Chapter 123 of the Code, and will operate the restaurant accordingly.
6. The plans call for patrons to be seated at six tables in the outdoor dining area. There is no service bar in the outdoor dining area. Any service of alcoholic beverages will be adjunct to the service of food. Patrons will be regularly monitored, both inside the restaurant as well as at the outdoor tables. Any guest disturbing persons beyond the premises through loud, boisterous or disruptive behavior will, at a minimum, be asked to cease such behavior. If necessary, the guest will be asked to leave the restaurant.
7. The outdoor dining area will not be used between 12:00 a.m. and 7:00 a.m.
8. Animals shall not be permitted within outdoor dining areas, except for service animals.
9. This area may be lighted by warm white round LED rope lighting or Xenon globe string lighting as well as wall sconces, all as indicated on the Outdoor Dining Plan. Lighting levels will be designed for adequate illumination of the outdoor dining area and will be non-intrusive. There will be no flashing or blinking lights.
10. The approved outdoor dining plan, including seating, table and fencing layout, shall be included in the daily operations and management plan for the restaurant and kept onsite.

C. Maintenance

1. The outdoor dining area shall be kept clear of litter, food scraps and soiled dishes and utensils at all times. The sidewalk surface area in and around the outdoor dining area shall be swept as necessary (daily) and cleaned to remove greases, oils and stains (monthly). Spilled materials will be cleaned promptly.
2. No trash receptacles will be kept in patio area. Refuse and all other ancillary items will be taken directly into the kitchen and emptied when full in the regular course.
3. The proposal does not call for any umbrellas.
4. Tables and chairs are of commercial grade and will be sufficiently weighted to avoid displacement by wind.

Special Use Permit Application (Renewal of SUP #1254-R2-16, as amended)
West Hartford WOB, LLC
Premises at 73 Isham Road
June 23, 2017

5. The entirety of the proposed outdoor dining enclosure, including tables, chairs, and fencing, shall be removed and stored indoors or off-premises during the months when the outdoor dining is not in use. All that will remain in the winter months is the retractable awning.

Conclusion

Based upon the foregoing, WOB respectfully requests re-issuance of the Special Use Permit (SUP #1254), as amended. We are fully prepared to respond to staff comments and to address the Commission's questions at the public hearing.

Very truly yours,

West Hartford WOB, LLC,

By: 

Gregory W. Piecuch
Kroll, McNamara, Evans & Delehanty, LLP
Its attorneys

Exhibits:

- A – Approval Letter dated July 12, 2016
- B – Special Use Permit as recorded in Book 5002 at Page 498 of the WHLR
- C – Outdoor Dining Plan (Sheets A-010, LP-1 and LP-2) dated May 18, 2016

**TOWN PLAN AND ZONING
COMMISSION**

CERTIFIED MAIL

July 12, 2016

Mr. Gregory Piecuch, Esq.
65 Memorial Road,
West Hartford, CT 06107

SUBJECT: 75 Isham Road- SUP #1254-R2-16

Dear Attorney Piecuch:

At its regular meeting of Wednesday, July 6, 2016, the West Hartford Town Plan and Zoning Commission gave consideration to the following item:

75 Isham Road (World of Beer) - Application (SUP #1254-R2-16) of SOF-IX Blueback Square Holdings, LP and applicant West Hartford WOB, LLC seeking approval to amend SUP #1254 to increase the outdoor dining seating capacity from twelve (12) seats to twenty-two (22) seats. (Submitted for TPZ receipt on June 6, 2016. Required public hearing scheduled for July 6, 2016.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)** (Motion/Donelson; Second/Maresca) (Donelson seated for Prestage) (Binkhorst seated for Seder) to **APPROVE** this application with conditions.

During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.



TOWN OF WEST HARTFORD

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50 SOUTH MAIN STREET
WEST HARTFORD, CONNECTICUT 06107-2485
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www.westhartford.org

An Equal Opportunity/Affirmative Action Employer

2. The approved outdoor dining plan, including seating, table and fencing layout, shall be included in the daily operations and management plan for the restaurant and kept onsite.
3. Pursuant to West Hartford Code of Ordinances Section 177-42A(8), the applicant shall return to the TPZ by July 2017 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified

You should now contact the Planning Staff to discuss the submission requirements for your plans. A fifty-eight dollar (\$58) filing fee is required to file a notice of approval on the West Hartford Land Records. Planning staff will be happy to assist you in completing these requirements. The TPZ approval is not final until the legal requirements for filing are completed. The effective date of approval is July 27, 2016.

If you have any questions, please feel free to contact the Planning Staff at 860.561.7555.

Sincerely,



Kevin Ahern
Chairman TPZ/IWWA

Cc: Ron Van Winkle, Town Manager
Joseph O'Brien, Corporation Counsel
Todd Dumais, Town Planner
Duane Martin, Town Engineer

Mark McGovern, Director of Community Services
Essie Labrot, Town Clerk
Tim Mikloiche, Supervisor of Inspections
Subject TPZ File

File:U:\SharedDoc\TPZ\decisionletters\2016\ IshamRoad75_SUP_1254-R2 Approval

DEPARTMENT OF
COMMUNITY SERVICES

Filing Information Required by P.A. 75-317

TOWN OF WEST HARTFORD

Doc ID: 005848390002 Type: LAN
BK 5002 PG 498-499

SPECIAL USE PERMIT: #1254-R2-16
NAME OF RECORD OWNER: SOF-IX Blueback Square Holdings, LP
STREET ADDRESS OF PROPERTY: 75 Isham Road
DEED REFERENCE - VOLUME: PAGE: ZONE: SDD #140/CBDH
ORDINANCE: 177 SECTION: 42A (8)
DATE APPROVED: July 6, 2016 EFFECTIVE DATE: July 27, 2016
LEGAL NOTICE OF ACTION PUBLISHED: July 12, 2016

DESCRIPTION OF ACTION:

75 Isham Road (World of Beer) - Application (SUP #1254-R2-16) of SOF-IX Blueback Square Holdings, LP and applicant West Hartford WOB, LLC seeking approval to amend SUP #1254 to increase the outdoor dining seating capacity from twelve (12) seats to twenty-two (22) seats. (Submitted for TPZ receipt on June 6, 2016. Required public hearing scheduled for July 6, 2016.)

CONDITIONS:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. The approved outdoor dining plan, including seating, table and fencing layout, shall be included in the daily operations and management plan for the restaurant and kept onsite.



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SPECIAL USE PERMIT #1254-R2-16
75 Isham Road
Page 2

3. Pursuant to West Hartford Code of Ordinances Section 177-42A(8), the applicant shall return to the TPZ by July 2017 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.

The motion was approved unanimously (5-0).

DESCRIPTION OF PROPERTY: (May be Attached)
See Deed Reference

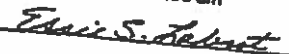
TOWN PLAN AND ZONING COMMISSION


Secretary, Todd Dumais

7/27/16
Date

File:U:\SharedDoc\TPZ\SUP-LegalDoc\#1254-R2-16 75 Isham

Received for Record at West Hartford, CT
On 07/28/2016 At 10:55:30 am



Forwarded on 7.21.17 to: G. Piccuch
T. Dumais
C. Dorau

Brittany Bermingham

From: Brian Pudlik
Sent: Friday, July 21, 2017 9:51 AM
To: Brittany Bermingham
Cc: Catherine Dorau; Todd Dumais
Subject: RE: SUP for Staff Review- 75 Isham (World of Beer) Lookback Application

Follow Up Flag: Follow up
Flag Status: Flagged

There are no zoning concerns regarding the outdoor dining patio associated with World of Beer.

Brian Pudlik
Zoning Enforcement Officer

Town of West Hartford | Room 214 | 50 South Main Street | West Hartford, CT 06107
Desk: 860.561.7553 | Fax: 860.561.7504
Department of Community Development: Planning & Zoning Division

From: Brittany Bermingham
Sent: Friday, July 21, 2017 9:34 AM
To: Brian Pudlik <Brian.Pudlik@WestHartfordCT.gov>
Subject: FW: SUP for Staff Review- 75 Isham (World of Beer) Lookback Application

Can you provide staff comments?

Thanks!

From: Brittany Bermingham
Sent: Wednesday, July 12, 2017 3:00 PM
To: Bob Proctor <BobP@WestHartfordCT.gov>; Aimee Eberly <Aimee.Eberly@WestHartfordCT.gov>; Brian Pudlik <Brian.Pudlik@WestHartfordCT.gov>; Tracey Gove <TGove@WestHartfordCT.gov>; Mike Sinsigalli <MSinsigalli@WestHartfordCT.gov>
Cc: Todd Dumais <Todd.Dumais@WestHartfordCT.gov>; Catherine Dorau <cdorau@WestHartfordCT.gov>
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Hello,

One Special Use Permit application was submitted to our office and will be going for a TPZ public hearing in August:

- 75 Isham Road (WOB)- SUP #1254-LB-17

Please see the attached plans and narrative and provide us with your comments by **July 24, 2017**.

Thank you,

Brittany A. Bermingham
Planning Technician

*forwarded on 7.19.17 to: G. Piecuch
T. Dumais
C. Dorau*

Brittany Bermingham

From: Bob Proctor
Sent: Wednesday, July 19, 2017 11:11 AM
To: Catherine Dorau
Cc: Todd Dumais; Brittany Bermingham; Aimee Krauss
Subject: 73 Isham Road, WOB, LLC, SUP #1245-R2_16 - Renewal to Permit issued July 6, 2016 - OUTDOOR DINING

Cathy,

We have again reviewed the Application for WOB, LLC, (SUP #1254-LB-17) as a "look back" and have no objection to the re-issuance of the Special Use Permit in accordance with 177-48A(8) of the Code. We have no record of complaints or site issues.

Bob Proctor, RS
West Hartford Bloomfield Health District

Emailed on 7.17.17 to G. Proch
T. Dumais
C. Doran



MEMORANDUM

TO: Todd Dumais, Town Planner
FROM: *DJM* Duane J. Martin, P.E., Town Engineer
RE: 75 Isham Road - Special Use Permit Application No. 1254-LB-17
DATE: July 14, 2017

The Engineering Division reviewed the Special Use Permit Application No. 1254-LB-17 dated June 23, 2017 for 73 Isham Road for Outdoor dining and has no comments. We find the application acceptable.

Brittany Bermingham

*forwarded on 7.14.17 to: G. Piecuch
T. Dumais
C. Dorau*

From: Tracey Gove
Sent: Friday, July 14, 2017 10:10 AM
To: Brittany Bermingham; Bob Proctor; Aimee Eberly; Brian Pudlik; Mike Sinsigalli
Cc: Todd Dumais; Catherine Dorau
Subject: RE: SUP for Staff Review- 75 Isham (World of Beer) Lookback Application

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T. Dumais
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From: Mike Sinsigalli
Sent: Friday, July 14, 2017 8:51 AM
To: Brittany Bermingham
Subject: RE: SUP for Staff Review- 75 Isham (World of Beer) Lookback Application

Follow Up Flag: Follow up
Flag Status: Flagged

Brittany,

We have no issue with this permit renewal.

Michael Sinsigalli
Assistant Fire Chief
West Hartford Fire Department
860-561-8308

The fire that you prevent may be the one that would have taken your life!

Please note email address change to msinsigalli@westhartfordct.gov
[Follow Us](#)

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Planning Technician

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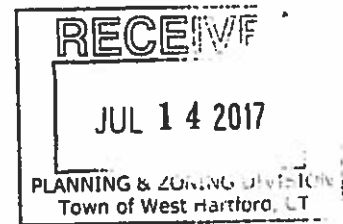
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Flag Status: Flagged

Brittany,

We have no issue with this permit renewal.

Michael Sinsigalli
Assistant Fire Chief
West Hartford Fire Department
860-561-8308

The fire that you prevent may be the one that would have taken your life!

Please note email address change to msinsigalli@westhartfordct.gov

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From: Brittany Bermingham
Sent: Wednesday, July 12, 2017 3:00 PM
To: Bob Proctor <BobP@WestHartfordCT.gov>; Aimee Eberly <Aimee.Eberly@WestHartfordCT.gov>; Brian Pudlik <Brian.Pudlik@WestHartfordCT.gov>; Tracey Gove <TGove@WestHartfordCT.gov>; Mike Sinsigalli <MSinsigalli@WestHartfordCT.gov>
Cc: Todd Dumais <Todd.Dumais@WestHartfordCT.gov>; Catherine Dorau <cdorau@WestHartfordCT.gov>
Subject: SUP for Staff Review- 75 Isham (World of Beer) Lookback Application

Hello,

One Special Use Permit application was submitted to our office and will be going for a TPZ public hearing in August:

- 75 Isham Road (WOB)- SUP #1254-LB-17

Please see the attached plans and narrative and provide us with your comments by **July 24, 2017**.

Thank you,

Brittany A. Bermingham
Planning Technician
Town of West Hartford
Department of Community Development: Planning & Zoning Division
50 South Main Street, Room 214 | West Hartford CT 06107 | t 860.561.7555 | f 860.561.7504
brittany.bermingham@westhartfordct.gov